

# Memorandum



Date: April 19, 2005

To: Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Acting Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: C-14 #Z2005000063  
Esmeralda Whittle/Londono  
18990 SW 152<sup>nd</sup> Street  
Unusual Use to Permit a Dog Kennel  
NUV of Setback and Spacing Requirements  
(GU) (2 Ac.)  
26-55-38

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DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Water Supply and Wastewater Disposal:

Public water and public sanitary sewers are not available in this area. Accordingly, the subject property is served by an on-site drinking water supply well and septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-13(4) of the Code.

Since the existing kennel generates liquid waste that is not domestic sewage, the property owner applied for variances from the above noted Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information, the EQCB granted the applicant's request subject to the conditions stated in Board Order 05-11. Therefore, DERM may approve the application and it may be scheduled for public hearing.

DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met

by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well is subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system.

#### Stormwater Management:

The subject property is located in an area that receives no flood protection; however, the existing single family residence and associated kennel are located on flood zone "x", where no flood insurance is required since the land is naturally high and therefore, flooding events are extremely rare. The existing single family residence and associated kennel are located on a parcel of land that is located in "Management Area 1, " which is defined in Chapter 33 of the Code as an "Area of Environmental Concern," subject to drainage and lot area restrictions. However, the subject property is a grandfather parcel and the existing structures predate the aforesaid restrictions. Furthermore, the existing structures are also grandfathered and consequently, not subject to flood concurrency standards.

#### Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Sections 24-5 and 24-48 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

#### Tree Preservation:

The subject property contains specimen-sized (trunk diameter  $\geq$  18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

#### Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

#### Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z